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SUBJECT: CONSTITUTIONAL REVIEW COMMISSION CO-CHAIR OPTIMISTIC ABOUT  
UPCOMING ELECTIONS

REF: KHARTOUM 1014

1. (SBU) SUMMARY: Prof. Abdullah Idris, co-chairman of Sudan's National Constitutional Review Commission (NCRC), believes the newly-passed election law (REFTEL) provides a sound basis for elections, and he is optimistic that free and fair elections will take place on time in 2009. However, he cautions that the yet-to-be appointed National Election Commission (NEC) will face a daunting task in organizing the elections, and will need foreign training and assistance. While relevant legislation, such as the press law, needs to be reformed, he noted some important safeguards guaranteeing a free electoral climate were built into the election law itself. Foreign partners can best help by continuing to stress that the international community will not countenance attempts to subvert the process towards elections next year, he said. END SUMMARY

2. (SBU) Speaking to Embassy PolOff July 9 at the NCRC's modern offices in Khartoum, Idris said the new election law was substantially the same as the version his Commission had originally drafted and handed over to the Presidency and then to the National Assembly (NA) for consideration. He credited an elections expert provided by the Turkish Embassy as invaluable assistance in drafting the law: without him, the law would not exist today, he said.

LAW PROVIDES SOUND BASIS FOR ELECTIONS  
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3. (SBU) Addressing complaints by some of Sudan's smaller political parties that their concerns were not taken into account in the legislation, Idris said the original draft had been the product of intense and broad consultations throughout Sudan, and had been approved unanimously by Commission staff. He said he points out to smaller parties, "Look, the NCP and the SPLM are in power," so they will largely determine legislation. The law is not perfect, but it's impossible to please everyone. It is vital to the country's future that we have elections, and it's best that that be done with a national consensus. Let the national democratic process take place. It is to the smaller parties' advantage to support the elections. Time is now of the essence, and they should climb on board, he said.

SPLM, NCP HAVE DECIDED TO PUSH AHEAD ON ELECTIONS  
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4. (SBU) Idris added that he is fairly confident that, barring unforeseen circumstances, free and fair elections will take place on time. He said the Commission's co-chairman said he has "no doubt" that both Sudanese President Bashir and GoSS President Salva Kiir will be re-elected, so they should be able to live with independently-elected assemblies.

APPOINTING AN INDEPENDENT NEC  
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5. (SBU) Idris said he hopes the Presidency will nominate, and that the NA will approve, the full NEC within one month. It is "absolutely vital" that a truly independent, non-partisan National Election Commission be appointed. This was the reason the NCRC

wrote into the draft law provisions requiring a 2/3's majority vote in the NA for approval of all nominees to the Commission. The process ensures that the names of nominees will be made public, so they will face public scrutiny. "We wanted this to be debated in the NA," he said, "and that will necessarily engage the other political parties." If the NEC does not enjoy widespread confidence among the Sudanese people, the results "would be disastrous," he said. "People can see what is now happening in Zimbabwe, what happened in Kenya. People can sense if you're not playing fair."

#### NEC FACES HUGE CHALLENGE

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¶6. (SBU) Looking ahead, Prof. Idris admitted that the new National Election Commission (NEC) faces huge challenges in organizing elections for next year. Naming the Commission's nine members will only be the first step; then the members will have to build an effective bureaucracy from scratch. Ideally, the newly appointed commissioners will receive crash training, possibly by the Stockholm-based International Institute for Democracy and Electoral Assistance (or IDEA, [www.idea.int](http://www.idea.int)), with which the NCRC has already been working. Then, the newly-created NEC has to organize national elections in a country sadly lacking in infrastructure, particularly the South, he said.

#### NEW LAW CONTAINS ITS OWN SAFEGUARDS

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¶7. (SBU) Asked about the need for additional legislative reform - such as of the security and press laws - before elections can be held, Idris acknowledged that all relevant legislation should be brought into compliance with the constitution before elections. However, he stressed that such far-reaching legislative reform is not absolutely necessary for free and fair elections to take place. Anticipating that the NA might not prove up to the task, the NCRC included within the election law safeguard provisions, such as prohibiting state funds from being used for partisan campaigning, guaranteeing free access to independent election monitors and observers, etc. Accordingly, "the parties shouldn't threaten to boycott the elections if this or that new law is not passed," he said.

#### FOREIGN PARTNERS CAN HELP

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¶8. (SBU) Without being asked, Idris outlined an important role for the international community. He said a procession of foreign ambassadors have visited his offices, all asking how they can help. Their most important contribution, he says, would be to keep hammering home the message that the international community will not put up with attempts to undermine or delay the election.

#### NCRC LOOKS AHEAD TO REFERENDUM LAW

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¶9. (SBU) With its election law responsibilities now behind it, the NCRC is now looking ahead to the challenge of drafting a national law to provide for the 2011 referendum for Southern Sudan and Abyei, under terms of the CPA. Idris said his commission badly needs foreign assistance from international bodies with experience organizing this kind of independence referendum.

¶10. (SBU) COMMENT: The Yale-educated Idris impresses as being one of Sudan's most competent public servants, one whose presents himself as being entirely commitment to democracy and elections. The professor is probably underestimating the ability of the two parties to find ways of delaying nationwide elections. However, we hope his cautious optimism that a sound basis for free and fair elections has been created proves justified. He is not shy about requesting foreign assistance, so hopefully the NEC, once established, will quickly provide the international community a plan for assistance. We disagree with Idris that additional legislative safeguards may not be required, and will continue to press the parties (especially the NCP) to revise media and security laws in

advance of elections.

FERNANDEZ